

January 5, 2006

Dear Private Provider,

Recently we received notice from our Attorney General representative and the Department's administration about possible procurement law violations. Utah Code 63-56-1001, Felony to accept emoluments states:

Any person acting as a procurement officer for the state of Utah or any subdivision thereof, or who in any official capacity participates in the procurement of any supplies, services, construction, real property, or insurance for any such political units, is guilty of a felony if the person asks, receives, or offers to receive any emolument, gratuity, contribution, loan, or reward, or any promise thereof, either for the person's own use or the use or benefit of any other person or organization from any person interested in the sale of such supplies, services, construction, real property, or insurance.

An emolument is defined as compensation or payment from an office or employment.

There is no question that JJS Case Managers qualify as procurement officers for the State of Utah as they contract for services for the youth in their charge. As such, it is a violation of this statute for them to receive any gifts, compensation, or other forms of reward from the private providers they contract with or have the potential to contract with. To be more specific, it would be a violation of this statute for a case manager to receive a Christmas gift from a private provider, have a private provider buy a meal for that case manager, or pay for a round of golf for that case manager to name just a few examples. There are no dollar limits.

Our case managers are being instructed in this statute, but I am asking your help also. Would you please refrain from offering any case managers gifts, meals, or rewards of any kind. I do not want to have any case manager lose their position for violation of this statute. Thanks for your help,

Sincerely,

Cecil E. Robinson  
Program Director  
Office of Community Programs